

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

MIGUEL L. FLOWERS,	)	CASE NO. 5:09 CV 1095
	)	
Petitioner,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	
	)	<u>MEMORANDUM OF OPINION</u>
MICHELE MILLER,	)	<u>AND ORDER</u>
	)	
Respondent.	)	

On May 12, 2009, petitioner pro se Miguel L. Flowers filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. Flowers seeks to challenge his conviction, pursuant to a guilty plea, for trafficking in marijuana, possession of marijuana, and illegal cultivation of marijuana. For the reasons stated below, the petition is denied and this action dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, a petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b).

It appears evident on the face of the petition that petitioner has not yet sought review of his conviction in the Ohio Supreme Court. Such review may be available, see Ohio Sup.Ct.R.P.

II, sec. 2(A)(4)(a), and must be sought in order to exhaust state court remedies. Rust v. Zent, 17 F.3d 155, 160 (6th Cir. 1994).

Accordingly, the petition is denied and this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed. R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

S/Christopher A. Boyko  
CHRISTOPHER A. BOYKO  
UNITED STATES DISTRICT JUDGE

July 29, 2009